

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 762, FOOD AND DRUGS ACT.

ADULTERATION OF TOMATO PASTE.

On or about November 3, 1910, the Pietro Roncoroni Company, New York City, shipped from the State of New Jersey into the State of New York 200 cases of tomato paste in cans, said cases being labeled: "5 lb. Rossa Lamigliore Conserva di Tomate Marca P R—Packed by Pietro Roncoroni Company," and said cans being labeled "Tomato Paste Conserva di Tomate Rossa P R—This article is guaranteed to be made from the best quality of red ripe tomatoes and to contain no artificial coloring—Packed in New Jersey by Pietro Roncoroni—Office Vesey St., New York, U. S. A." An examination made by the Bureau of Chemistry, United States Department of Agriculture, of samples taken from this shipment showed the product to contain 1,000,000,000 bacteria per gram, 380 yeasts and spores per one-sixtieth milligram, mold filaments in 76 per cent of the microscopic fields examined, and many pieces of decayed tissue visible to the naked eye. As it appeared from the above examination and report made that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of New York.

In due course a libel was filed in the District Court of the United States for the said district against the said 200 cases of tomato paste charging the above shipment and alleging that the product was adulterated within the meaning of the act in that it was in whole or in part filthy, putrid, or decomposed, and praying seizure and condemnation of the product.

On December 1, 1910, the cause came on for hearing and no claimant to the product having appeared and no answer having been filed, the court being fully informed in the premises issued its decree condemning and forfeiting the said 200 cases of tomato paste to the use of the United States for the cause set forth in the above libel and ordering the destruction of said product by the marshal of said district.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 8, 1911.*

